

IN THE HIGH COURT OF KARNATAKA AT BANGALORE

Dated this the 30th day of June 1998

BEFORE

THE HON'BLE MR. JUSTICE M.F.SALDANHA

WRIT PETITION NO.11524/1998

Between:

Pushpalatha R.Adyanthaya(Adult)
D/o Ramanna G.Shetty,
Residing at Fancy Manzil,
II Floor, 23A Matharpeady Road,
Mazgaon,
BOMBAY, represented by Power of
Attorney Holder H.Rajeeva
Adyanthaya residing at the
above address.

... Petitioner.

(By Sri V.V.Upadhaya, Advocate).

And:

1. Stella Crasta (Adult)
2. Herald Crasta (-do-)
3. Cyril Crasta (-do-)
4. Nirmal Crasta (-do-)
5. Jesyntha Pereira(adult)

The respondent 1 is the wife
and respondents 2 to 5 are the
children of Leo crasta. Respondents
1 to 4 are residing at Leo Crasta
Compound, Behind Industrial Estate,
Konchady, Mangalore. The 5th respondent
is residing at No.10-154, Shakthi nagar;
Mangalore-575016.

...2/-

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6. The Land Tribunal,
represented by its Chairman,
Mangalore, Dakshina Kannada
District.
7. The Tahsildar,
Mangalore Taluk, Mangalore
Dakshina Kannada District.
8. The State of Karnataka,
represented by its Secretary
Department of Revenue,
M.S. Building,
Bangalore-560 001. ... Respondent.

(By Smt.M.R.Shanthakumari, HCGP, for R-6 to 8).

This W.P. is filed under Articles 226 & 227 of the Constitution of India praying to quash Annexure-A dt. 16-9-81 by respondent No.6 in so far as it relates to the disputed land.

This W.P. coming on for preliminary hearing this day, the Court made the following:-

O R D E R

I have heard the petitioners' learned Advocate, and the learned Government Advocate for respondents 6, 7 and 8, ^{on merits} No notice is being issued ^{to} respondents 1 to 5, since this Court is only required to pass an order which is an extension of the earlier order passed by my Brother CHIDANAND ULLAL, J., in W.P.No.10667/94 dated 7-7-97.

....3/-

[Signature]

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2. ~~The~~ Earlier W.P. has been remanded to the Tribunal for a denovo hearing and the Sy.Nos. covered by that order do not include Sy.No. 292/2. The petitioners learned Advocate points out to me that the Tahsildar contends that Sy.No. 292/2 was a part of the original order passed in 1981 which this Court has set aside and directed a re-hearing. He therefore submits that the earlier order should also cover Sy.No. 292/2 and that this land also be included within the ~~sketch~~^{ambit} of the pending enquiry. It does appear ~~that~~ due to some error in the Certified Copy issued to the petitioners' learned Advocate on the last occasion that Sy.No.292/2 was not included in the High Court order dated 7-7-97. It is clarified that the Tribunal order dated 16-9-81 in respect of Sy. No.292/2 is set aside and that the Tribunal, while re-deciding the case shall include this Sy.No. also

....4/-



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at the time of the enquiry. The Petition succeeds
and stands disposed of. No order as to costs.

Sd/-
JUDGE



rsk